



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BROOK BEVERAGE, INC., :  
: Plaintiff, :  
: : 20-cv-9275 (VSB)  
-against- :  
: :  
PEPSI-COLA BOTTLING COMPANY OF :  
NEW YORK, INC., :  
: Defendant. :  
: :  
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**ORDER**

VERNON S. BRODERICK, United States District Judge:

In light of the representations made at the January 27, 2021 status conference in the above-captioned case, it is hereby:

ORDERED that each party shall submit a letter on or before February 3, 2021. The letters should address, at minimum, the following issues: 1) the harm, if any, to Defendant in maintaining the status quo, 2) the harm, if any, to Plaintiff in the event that Defendant operates the route until the estate process is complete, 3) the provisions of the distributor agreement between Defendant and Plaintiff that each party is relying on for their legal position regarding Defendant's ability to temporarily operate the route, and 4) whether or not I have jurisdiction to grant any relief on this issue. Defendant's letter should also address how Defendant has dealt with similar situations in the past, or whether this is a unique situation. The parties are expected to have met and conferred before submitting their letters, and to the extent appropriate, the letters should respond to the other parties' positions.

IT IS FURTHER ORDERED that the parties are directed to appear for a telephonic conference on February 5, 2021 at 10 AM. The conference line is 888-363-4749 and the access

code is 2682448.

SO ORDERED.

Dated: January 27, 2021  
New York, New York

  
Vernon S. Broderick  
Vernon S. Broderick  
United States District Judge